IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1349 OF 2006
IN
FIRST APPEAL NO.2371 OF 2006

Hindustan Lever Ltd. & Ors. ...Applicants

Versus

M/s.Cheap Jack Stores ...Respondent

Shri A.S.Khandeparkar i/by M/s.Khaitan and Jaykar for the Applicants.
Shri Muni Merchant for the Respondent.

CORAM : A. S. OKA, J.

DATE : JANUARY 09, 2007.

P.C.:

1. It is not in dispute that the entire decretal amount has been deposited by the Applicants. Considering the facts and circumstances of the case, the Respondents will have to be permitted to withdraw the decretal amount subject to furnishing security to the satisfaction of the Trial Court.

2. Hence, Application is disposed of by passing following order:

(i) The Respondent is permitted to withdraw the amount deposited by the Applicants in the Trial

Court subject to furnishing adequate security for the amount. Before accepting the security the learned Trial Judge will hear the Applicants.

(ii) If the Respondent fails to furnish security, within period of six months from the date of receipt of the writ of this order by the Trial Court, the decretal amount shall be invested by the Trial Court in fixed deposit in any nationalised bank and fixed deposit shall be renewed from time to time till the disposal of the Appeal.

(iii) No orders as to costs.

JUDGE